

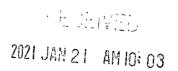
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# **SOAH DOCKET NO. 473-21-0538 PUC DOCKET NO. 51415**



APPLICATION OF SOUTHWESTERN § BEFORE THELLIY COMMITTEE STATE OFFICE OF CLERK
AUTHORITY TO CHANGE RATES § ADMINISTRATIVE HEARINGS

# SOUTHWESTERN ELECTRIC POWER COMPANY'S FOURTH PETITION FOR REVIEW OF THE RESOLUTION OF THE CITY OF EAST MOUNTAIN AND MOTION TO CONSOLIDATE

Southwestern Electric Power Company (SWEPCO) files this petition appealing the rate decision adopted by the City of East Mountain. This appeal is filed pursuant to Section 33.051 of the Public Utility Regulatory Act (PURA). In support of this appeal and motion, SWEPCO would show the following:

## I. SWEPCO's Requested Rate Change

On October 14, 2020, SWEPCO filed with the Public Utility Commission of Texas (Commission) a Petition and Statement of Intent to Change Rates within the areas over which the Commission has original jurisdiction. That Petition and Statement of Intent was assigned Docket No. 51415. SWEPCO concurrently filed a Petition and Statement of Intent with each incorporated city having original jurisdiction over its retail rates.

# II. Municipal Actions

On November 9, 2020, the City of East Mountain adopted a resolution that denied SWEPCO's application and kept the existing rates in effect. Under the terms of East Mountain's resolution, a copy was to be served on SWEPCO's authorized representative, Stacy Bankston-Pankratz, by U.S. Mail; however SWEPCO was only served via electronic mail on January 6, 2021. Therefore, this appeal is filed within thirty (30) days of the date that SWEPCO received

notice of East Mountain's decision. A copy of the City of East Mountain's resolutions is attached as Exhibit 1.

#### III. Jurisdiction

The Commission has jurisdiction over this appeal in accordance with PURA §§ 32.001(b) and 33.051.

#### IV. Motion to Consolidate

SWEPCO requests that its appeal of the City of East Mountain's rate decision be consolidated with Docket No. 51415. This appeal involves issues of law and fact common to those involved in Docket No. 51415, and a separate hearing of this appeal and Docket No. 51415 would result in unwarranted expenses, delay, or substantial injustice.

#### V. Conclusion

SWEPCO respectfully requests the Administrative Law Judges enter an order consolidating this appeal of the resolution of the City of East Mountain with Docket No. 51415. SWEPCO further respectfully requests that upon final hearing, SWEPCO be granted the rate relief as requested in its Petition and Statement of Intent.

<sup>&</sup>lt;sup>1</sup> SWEPCO previously included East Mountain in its Third Appeal of Municipal Decisions, which addressed those municipalities that failed to timely deny or suspend the requested rates. The Administrative Law Judges consolidated SWEPCO's Third Appeal with this docket in SOAH Order No. 3. SWEPCO is now appealing East Mountain's decision on the requested rates out of an abundance of caution.

## Respectfully submitted,

Melissa Gage

State Bar No. 24063949 Email: magage@acp.com

aepaustintx@aep.com (Service)

Leila Melhem

State Bar No. 24083492 Email: lmmclhcm@acp.com

acpaustintx@aep.com (Service)

400 West 15th Street, Suite 1520

Austin, Texas 78701

Telephone: (512) 481-3320 Facsimile: (512) 481-4591

# AMERICAN ELECTRIC POWER SERVICE CORPORATION

William Coe

State Bar No. 00790477

Email: wcoc@dwmrlaw.com

Kerry McGrath

State Bar No. 13652200

Email: kmcgrath@dwmrlaw.com

Patrick Pearsall

State Bar No. 24047492

Email: ppcarsall@dwmrlaw.com

P.O. Box 1149

Austin, Texas 78767

Telephone: (512) 744-9300 Facsimile: (512) 744-9399

**DUGGINS WREN MANN & ROMERO, LLP** 

By:

Patrick Pearsall

ATTORNEYS FOR SOUTHWESTERN ELECTRIC POWER COMPANY

## **CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on January 21, 2021 in accordance with the Second Order Suspending Rules issued in Project No. 50664 and Order No. 1 in this matter. In addition, a copy of the foregoing has been served by certified U.S. mail upon the following:

Marc Covington, Mayor City of East Mountain 103 Municipal Drive Gilmer, TX 75645

Melissa Boyd City Secretary 103 Municipal Drive Gilmer, TX 75645 Robin Gray City Administrator City of East Mountain 103 Municipal Drive Gilmer, TX 75645

Patrick I Pearcall